

**REMARKS**

Applicants have carefully reviewed the Office Action dated July 15, 2002. Applicants have amended Claim 2 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1 and 2 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over cited in co-pending applications No. 09/382,427 and 09/494,956. Since these are still pending applications, nothing is required at this time.

Claims 1 and 2 also stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-14 of U.S. Patent No. 6,594,705, Claims 1-27 of U.S. Patent No. 6,636,896 and Claims 1-18 of U.S. Patent No. 6,098,106.

U. S. Patent 6,594,705 has claims that are directed toward the concept of broadcasting to a remote location broadcast information containing unique information encoded therein and then connecting to a user's PC utilizing unique information when the user is prompted to interface with the user PC at approximately the same time that the unique information is broadcast over the secondary network. However, the claims do not provide for controlling the user's PC to control the overall system from the broadcaster's point of view to allow profile information to be sent in conjunction with the overall connection operation to a remote location. The Claims of U.S. Patent No. 6,636,896 are similar to those of U.S. Patent No. 6,594,705 and the same argument applies thereto. Applicants believe that these references and the claims therein are patentably distinct from Claims 1 and 2 of the present invention and therefore request withdrawal of the rejection with respect to these two patents.

With respect to U.S. Patent 6,098,106, Claims 17 and 18 are the only two claims that are associated with the profile information. Therefore, Applicants believe that only Claims 17 and 18 of U.S. Patent No. 6,098,106 would be covered by the obviousness-type double patenting rejection. Applicants would appreciate if the Examiner would recast the objection in view of those claims and Applicants would then file a terminal disclaimer.

**AMENDMENT AND RESPONSE**

S/N 09/382,372

Atty. Dkt. No. PHL-24,738

Claim 2 has been objected to various informalities. This claim has been corrected incorporating the Examiner's suggestions.

Claim 1 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien*, U.S. Patent No. 5,761,606 in view of *Hudetz* and further in view of *Reese*. This rejection is respectfully traversed.

The Claim as presented in the last response is directed toward the concept of allowing an advertiser to control a user's computer to, first, connect to a desired location, which desired location is essentially defined by the advertiser and, second, sending profile information to the advertiser. The Examiner has utilized the *Wolzien* reference as the primary reference. The *Wolzien* reference merely provides the user with information that allows the user to then take an action to utilize the address that is extracted from the broadcast. The *Hudetz* reference is a reference that requires a user to input the unique code into a system for the purpose of retrieving from an intermediate node cross-reference information as to location of various product sources on the web. Again, the user must make a decision to input the information to the computer and then the user computer, as Applicants have contended, then provides this to the user with the user again required to make a choice of which location to go to. Although there is some reference to an automatic operation in *Hudetz*, Applicants believe that this automatic operation is poorly disclosed and is not supported by the Specification in that an HTML must be retrieved and then the computer at the user's location must make some kind of decision thereat. The *Reese* reference as is relied on for the premise of providing profile information. However, the *Reese* reference is another reference that requires specific user or user's PC intervention to actually send the profile information to a matching server for the purpose of filtering. For example, in Column 4, beginning at Line 6, it is stated that the user submits the user profile to the matching server. The user profile can actually be changed by the user to change the type of results returned. Therefore, the client application program (110) utilizes this user profile to initiate a request when seeking information. Thus, it is the actual computer that will receive the information, and which computer generates the request.

In contradistinction, Applicants present inventive concept, as defined by the claims, allows an

**AMENDMENT AND RESPONSE**

S/N 09/382,372

Atty. Dkt. No. PHL-24,738

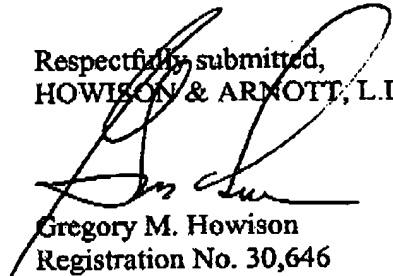
advertiser to control the operation at the user computer without the user intervening or requiring the user or the user's computer to take any action whatsoever. The user's computer, once turned on, will interface with the broadcast and, once a unique tone is received, then the user's computer is automatically forced to connect to a predetermined location on the web (as defined by the relationship of the unique code in the relational database at the intermediate node) and user profile information is transferred thereto. Thus, the advertiser can ensure that the transmission of the unique code will cause a computer to connect to a predefined web site, which is defined in the relational database at the intermediate node, and also profile information will be sent to the computer. Therefore, it is the combination of the broadcasting of the encoded unique code within the broadcast, the control of the computer to both "jump" to a particular location that is known by the advertiser to be associated with that unique code and also transmission of the profile information to the remote location that is unique. It is this unique combination and the way which is carried out that allow the advertiser to control the operation. The *Wolzien* reference certainly does not allow control of any redirection or profile transmission. The *Hudetz* reference is not directed to control, as it is merely directed toward the redirection operation and which redirection is selectable by the user. The *Hudetz* reference is basically a reference that allows the user to obtain information related to a particular manufacturer's product code. The *Reese* reference is a reference that allows an application on a client computer to control the filtering operation when it seeks information. Therefore, none of these references indicate that the control of the overall operation of redirection and profile transmission would be controlled by a single point, the advertiser. Applicants believe that the combination of these references to support the rejection does not rise to the level of a 103 rejection. Therefore, Applicants respectfully request the withdrawal of the 35 U.S.C. 103(a) rejection with respect to Claim 1.

AMENDMENT AND RESPONSE  
S/N 09/382,372

7

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,738 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
HOWISON & ARNOTT, L.L.P.



Gregory M. Howison  
Registration No. 30,646

GMH:yoc  
P.O. Box 741715  
Dallas, Texas 75374-1715  
Tel: 972-479-0462  
Fax: 972-479-0464  
June 8, 2004

AMENDMENT AND RESPONSE  
S/N 09/382,372